

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JESSICA GUERRIERO, on behalf of herself and all others similarly situated,)	
)	CASE NO. 4:21-cv-01917
Plaintiff,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
PENN NATIONAL GAMING, INC., et al.)	<u>DEFENDANTS' MOTION TO DISMISS</u>
)	<u>PLAINTIFF'S COMPLAINT</u>
Defendants.)	
)	

Defendants Penn National Gaming, Inc;¹ Central Ohio Gaming Ventures, LLC, d/b/a Hollywood Casino Columbus; Dayton Real Estate Ventures, LLC, d/b/a Hollywood Gaming at Dayton Raceway; Toledo Gaming Ventures, LLC d/b/a Hollywood Casino Toledo; and Youngstown Real Estate Ventures, LLC d/b/a Hollywood, respectfully move this Court to dismiss Plaintiff's Collective and Class Action Complaint ("Complaint") pursuant to Federal Rule of Civil Procedure 12(b)(6) insofar as the Complaint fails to state a claim upon which relief may be granted. The reasons and supporting authority for this Motion to Dismiss are fully set forth in the Memorandum in Support of Defendants' Motion to Dismiss Plaintiff's Complaint, which is being filed contemporaneously herewith and incorporated herein.

¹ Defendant Penn National Gaming, Inc., denies that it ever employed Plaintiff or any individuals working at any of the properties named in this lawsuit.

Respectfully submitted,

/s/ Kerri L. Keller

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CERTIFICATE OF SERVICE

I hereby certify that on November 24, 2021, a copy of the foregoing *Motion to Dismiss Plaintiff's Complaint* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Kerri L. Keller

Kerri L. Keller (0075075)